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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/812,973

03/31/2004

Katsuhiko Kido

3022-0024

1807

70432 7590 11/13/2007  
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EXAMINER

LEIVA, FRANK M

ART UNIT

PAPER NUMBER

3714

NOTIFICATION DATE

DELIVERY MODE

11/13/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No. 10/812,973	Applicant(s) KIDO, KATSUHIRO	
	Examiner Frank M. Leiva	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-7, 11-15 and 17-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-7, 11-15 and 17-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/27/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 September 2007 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 3-7, 11-15 and 17-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon (US 2002/0177483) in view of Cole et al (US 2004/0137978 A1).**

4. **Regarding claim 17;** Cannon discloses: a gaming system comprising: a first gaming machine having a first controller configured with logic to independently control a first game played by a first player at the first gaming machine (Para. 0026); and a second gaming machine communicatively connected with the first gaming machine (Para. 0026) and having a second controller configured with logic to (i) control a second game played by a plurality of players at a plurality of gaming machines, including the first player at the first gaming machine and a second player at the second gaming machine (Para. 0026-27), (ii)

transmit image data of the second game to the first gaming machine (Para. 0062), (iii) control a period of time for accepting bets on the second game (Para. 0022, 0023, 0062), and (iv) transmit bet period data to the first gaming machine (Para. 0062); wherein the first controller is further configured with logic to (i) control display of images of the second game in accordance with the transmitted image data from the second gaming machine (Para. 0062), (ii) control display of an indication of a start of the period of time for accepting the bets on the second game in accordance with the transmitted bet period data (Para. 0062), and (iii) transmit first bet data indicative of a first bet on the second game having been placed at the first gaming machine to the second gaming machine (Para. 0023); wherein the second controller is further configured with logic to determine a payout for the second game in accordance with the transmitted first bet data and second bet data indicative of a second bet on the second game having been placed at the second gaming machine within the period of time, if the second controller receives the transmitted first bet data within the period of time from the first gaming machine (Para's. 0022, 0023, 0067, 0070, 0078). Cannon fails to mention that the second game could be played without a pre-qualifying condition. Cole discloses a gaming machine with double screens wherein play of the first type game by the first player on the first gaming machine is initiated by the first player placing a bet associated with the first type game at the first gaming machine, and play of the second type game by the first player on the first gaming machine is initiated by the first player placing a bet associated with the second type game at the first gaming machine; wherein the first controller is further configured to accept a bet of the first player to initiate the first type game without the first player meeting a prior qualification for play of the first type game; wherein the first and the second gaming machines communicate such that the first and the second controllers interact to accept a bet of the first player to initiate the second type game without the first player meeting a prior qualification; for play of the second type game, including a prior qualification relating to play of the first type game by the first player, (Para. 0135, abstract).

**5. Regarding claims 3 and 32;** Cannon discloses wherein the-second controller is further configured with Logic to transmit an instruction for a payout to the first player based

on a result of the second game (Para. 0027 and 0070), and the first controller is further configured with Logic to control the payout to the first player in accordance with the transmitted instruction (Fig. 4).

6. **Regarding claim 4;** Cannon discloses wherein the first game is played only by the first player (Para. 0023).

7. **Regarding claim 5;** Cannon discloses wherein the first gaming machine comprises a first display means device for variably displaying a plurality of symbols for the first game (Para. 0026).

8. **Regarding claim 6;** Cannon discloses wherein the first game is a video poker game (Para. 0018).

9. **Regarding claim 7;** Cannon discloses wherein the first and the second gaming machines are connected through via the Internet (abstract and Para. 0021).

10. **Regarding claim 18;** Cannon discloses a first gaming machine communicatively connected with a second gaming machine having a second controller configured with logic to control a second game played by a plurality of players at a plurality of gaming machines, including a first player at the first gaming machine and a second player at the second game machine (Para's. 0026-0027), the first gaming machine comprising: a first controller configured with logic to (i) independently control a first game played by the first player (Para. 0026), (ii) receive image data associated with play of the second game from the second gaming machine (Para. 0062), (iii) direct display of images of the second game in accordance with the received image data (Para. 0062), (iv) receive, from the second gaming machine, bet time information indicative of initiation of acceptance of bets on the second game (Para. 0022, 0023, 0062), and (v) direct display of a bet time for the second game in accordance with the received bet time information (Para. 0062); and a second

game display device for displaying the images of, and a bet time for, the second game, in accordance with the first controller directives (Para. 0062).

Cannon fails to mention that the second game could be played without a pre-qualifying condition. Cole discloses a gaming machine with double screens wherein play of the first game by the first player on the first gaming machine is initiated by the first player placing a bet associated with the first game at the first gaming machine, and play of the second game by the first player on the first gaming machine is initiated by the first player placing a bet associated with the second game at the first gaming machine; wherein the first controller is further configured to accept a bet of the first player to initiate the first game without the first player meeting a prior qualification for play of the first game; wherein the first and the second gaming machines communicate such that the first and the second controllers interact to accept a bet of the first player to initiate the second game without the first player meeting a prior qualification for play of the second game, including a prior qualification relating to play of the first game by the first player, (Para. 0135, abstract).

11. **Regarding claims 11-15.** See rejections of claims 3-7 for features of claims 11-15.

12. **Regarding claim 19;** Cannon discloses further comprising: a common display device for commonly displaying the images of the second game to the plurality of second game players (202, Fig. 2); wherein the second controller is further configured with logic to control the transmission of the images of the second game displayed by the common display device to the first gaming machine (Para. 0062; 0027 and 0070).

13. **Regarding claim 20;** Cannon discloses further comprising: an image capturing device for capturing the image data of the second game; wherein the image data of the transmitted second game is the captured image data (202, Fig. 2; Para. 0062: in order to display image data that originates from another device, the data must be transmitted and then received, ie captured).

**14. Regarding claim 21;** Cannon discloses wherein the first gaming machine includes a second game display device for displaying images associated with the second game (Para. 0062).

**15. Regarding claims 22 and 25;** Cannon discloses wherein the second game display device includes a BET detector for detecting the placing of the first bet on the second game at the first gaming machine (Para. 0023).

**16. Regarding claim 24;** Cannon discloses further comprising: an effects display device for displaying images of the first game (Para. 0026).

**17. Regarding claims 26-30;** Cannon discloses a second gaming machine communicatively connected with a first gaming machine (Para. 0026-27) having a first controller configured with logic to independently control play of a first game by a first player (Para. 0026), and comprising: a second controller configured with logic to (i) control a second game played by a plurality of players at a plurality of gaming machines, including the first player at the first gaming machine and a second player at the second gaming machine (Para's. 0026-27), (ii) transmit image data of the second game to the first gaming machine (Para. 0062), direct transmission of image data of the controlled second game to the first gaming machine (Para. 0062, 0027, 0070). (iii) control a period of time for accepting a bet on the second game (Para. 0022, 0023, 0062), (iv) transmit an indication of a start of the controlled time period to the first gaming machine (Para. 0062), (v) receive first bet data indicative of a first bet on the second game having been placed at the first gaming machine (Para. 0023), and (vi) determine a payout for the second game in accordance with the received first bet data and second bet data, if the first bet data has been received within the controlled time period (Para's. 0022, 0023, 0067, 0070, 0078), and a second gaming machine configured with logic to simultaneously control play of a second type game (Para. 0023), different than the first type game, by the first player on the first gaming machine and by a second player on the second gaming machine (Para's. 0026-27). Cannon fails to mention that the second game could be played without a pre-

qualifying condition. Cole discloses a gaming machine with double screens wherein play of the first game by the first player on the first gaming machine is initiated by the first player placing a bet associated with the first game at the first gaming machine, and play of the second game by the first player on the first gaming machine is initiated by the first player placing a bet associated with the second game at the first gaming machine; wherein the first controller is further configured to accept a bet of the first player to initiate the first game without the first player meeting a prior qualification for play of the first game; wherein the first and the second gaming machines communicate such that the first and the second controllers interact to accept a bet of the first player to initiate the second game without the first player meeting a prior qualification for play of the second game, including a prior qualification relating to play of the first game by the first player, (Para's. 0112 and 0135, abstract).

18. **Regarding claims 3-7, 11-15 and 17-30;** Cannon and Cole inventions are analogous art, and it would have been obvious to one of ordinary skill in the art at the time of the invention to allow a player to play multiple games simultaneously, when player interaction is required. The combination of the features of Cole in the Cannon invention is not novel but an incorporation of well known elements of gaming machines that would give a predictable result.

### ***Conclusion***

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Leiva whose telephone number is (571) 272-2460. The examiner can normally be reached on M-Th 9:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

11/2/2007

A handwritten signature in black ink, appearing to read 'R. E. Pezzuto', with a long, sweeping horizontal stroke extending to the right.

Robert E Pezzuto

Supervisory Patent Examiner

Art Unit 3714